

CHAPTER II

“A PUBLIC SERVANT, NOT A PRIVATE EMPLOYEE”

Inadequate salaries, poor working conditions, and a working class background frequently fostered a sense of fraternity between policemen and laborers. This comradeship, promoted by common dissatisfactions, occasionally surfaced as sympathy shown to striking laborers either by tacit approval or by active support from police officers during the years of labor unrest from the 1870s to the 1920s. To be sure, sympathy for laborers was not universal among police officers, but it was observed often enough to cast doubt on their reliability during strikes, particularly when strike breakers were used by companies. As Herbert G. Gutman has noted, in the clash between striking miners and Illinois coal companies during the 1870s, “Local judges and police officials enforced the law more rigorously against them [the mine companies] and their men than against the resident miners.” Rejecting demands by the mine operators to have Pinkerton agents appointed as “special deputies,” the mayor and sheriff instead deputized the strikers.¹ Similar incidents of collaboration between the police and strikers were repeated elsewhere. During the Chicago streetcar strike of 1885 a contemporary noted that the police “could not but sympathize with the strike, like everyone else, and this made them too lenient with the sympathizers.” In June 1900 St. Louis police officers in sympathy with the city’s streetcar strikers refused to make arrests. They were joined by seven deputy sheriffs, who were arrested for refusing to protect the Transit Company’s property. A *posse comitatus* was organized and special policemen used to restore and maintain order. At Cripple Creek, Colorado, in 1904, mining company sympathizers and townspeople threatened to lynch union miners and peace officers, including a justice of the peace. In October 1911 New Orleans policemen, sharing the animosity of strikers against imported strike breakers hired by the Southern Pacific Railroad, allowed strikers to beat the unwelcome visitors as they were entering the company’s yards, and arrested those who were armed. Sympathy for the strikers was voiced by both the mayor and governor, who denounced the presence of the outsiders.² During the Galveston longshoremen’s strike of 1920, Governor W.P. Hobby instituted martial law and dismissed the entire police department when it failed to disperse the strikers or protect the strike breakers, who were being imported in large numbers by the companies. Policing duties were assigned to the militia until the strike was settled.³

The Electric Street Railway strikes of 1898 and 1904 best showed the affinity between police officers and union strikers in Houston. A strike began on March 20, 1898. It involved demands by motormen and conductors for higher salaries. Strikers halted all streetcar service in Houston and the suburbs. Although strikers and their sympathizers made no effort to interfere with police-escorted drays delivering supplies to the non-striking workers living on company property, cars were prevented from leaving the yards. One car, with the company's secretary, Harry Chase, on board, was attacked and Chase was clubbed. The police made no effort to disperse the crowd of nearly 3,000, with the explanation by Chief of Police Charles Heim that the demonstrators were orderly. A personal request by general manager H.F. MacGregor for police assistance resulted in a brief conference with Heim in the company yard. MacGregor requested that ten officers be placed on two cars, but the chief, expressing the mood of his men, replied that such protection had not been shown to be necessary and in any case he would not take such an action unless ordered to do so by the mayor. Leaving the conference, Heim shouted, to the delight of the strikers waiting outside, "Well, Boys, they won't be running today." Reflecting the feeling of the police in general, a patrolman told the crowd that "they could have his badge before he'd ride one of the cars."⁴

A similar reluctance to interfere with the strikers was exhibited by the sheriff's department, which was sharply criticized by MacGregor for its failure to provide protection for the operation of the streetcars to Houston Heights. Sheriff Albert Erickson defended his lack of cooperation by pointing out that although non-strikers had been physically threatened, no actual violence had occurred, and he could find no reason to provide the company with protective services. Erickson concluded that he had "no right even if [he] were inclined, to furnish . . . deputy sheriffs" for the protection of the company's property and advised MacGregor that protection would be provided only when the department learned when and where trouble was expected on the track.⁵

In an effort to evade a confrontation with the strikers, a number of officers failed to report for work as the second week of the strike began, provoking Heim to warn that any officer who missed roll call would be dismissed from the force.⁶ Police officers found encouragement from the dispute that arose among the aldermen over the course of action required by the city council in dealing with the streetcar strikers. Alderman G.C. Street, supporting the requests for police protection by MacGregor, demanded that if necessary the whole police force should be placed at the disposal of the Electric Company. Mayor H.B. Rice contended that Heim had offered all the police protection MacGregor required, while alderman T.W. Archer accused the company of "grinding down the working man," pointing out that \$1.25 a day was not a living wage.⁷

In a conference with Heim at police headquarters, Rice concluded that the police department could not be relied upon to maintain order in a potentially explosive situation as tension in the city mounted. Following the meeting with Heim, Rice issued a call for fifty of Houston's responsible citizens to form a *posse comitatus*. Only eighteen of the selected citizens responded to the call, however, and the responsibility of maintaining order fell to the Houston Light Guard, a volunteer city militia that patrolled the streets and prevented clashes between company personnel and the strikers.⁸ On March 31 the strike was settled with a compromise favoring the Electric Company, which allowed the company to retain forty-eight of the non-union employees and provided that the striking workers would be rehired, with those with the longest term of service hired first and the remaining men placed on a waiting list. The pay ranged from thirteen to seventeen cents per hour.⁹

The settlement served only as a truce, but the 1898 strike had been a valuable lesson for the Houston company, for the confrontation clearly revealed the unreliability of police protection as well as the reluctance of the city council to take a firm position against the strikers. A future strike would require the company to rely on its own resources by importing professional strikebreakers and private guards, a tactic that had been employed elsewhere and had generally been accompanied by violence—as in the St. Louis streetcar strike of 1900.

The second strike against the Houston Electric Railway Company began on June 1, 1904, over a dispute regarding alleged violations of a union contract settled the previous year. Unlike the 1898 strike, the situation in 1904 involved a more serious confrontation, with both sides refusing to compromise their positions. Violence erupted on June 2 as striking workers and their supporters converged on the streetcar yards. A car was sent out by the company to test the temper of the crowd and the extent of police protection. The car was greeted by a barrage of stones from the waiting crowd, which struck several non-striking men riding in the car. Police efforts to disperse the crowd were ineffectual. Chief of Police George Ellis showed reluctance to investigate the disturbance, appearing on the scene only after receiving several telephone calls from company manager H.K. Payne for additional police protection. After surveying the situation, Ellis concluded that he could find no one seriously injured nor any need for further action by the police department. Shortly after his departure, fights ensued, which resulted in the arrest of several non-strikers.¹⁰

The situation became increasingly volatile with coercive efforts by the company to break the strike. “Professional” strikebreakers, many described as “typical Bowery toughs,” who had been assembled in Austin, San Antonio, and St. Louis by the company in expectation of a strike, were rushed to Houston, where they were housed in company sheds. Armed

with clubs, the men guarded the cars, antagonizing the strikers. Strikebreakers and strikers clashed as the latter attempted to prevent the movement of streetcars. Strikers received no interference from either the municipal police or the sheriff's department, which was responsible for protecting those outlying areas of the city where the company operated commuter service. The police response was to arrest strikebreakers.¹¹

Fearing that continued violence would cause adverse reaction to the cause of organized labor, the Houston Labor Council approved a resolution calling upon Mayor Andrew L. Jackson to appoint special police officers to ride in the streetcars. Mayor Jackson quickly responded and appointed a number of special officers in addition to calling out the Houston Light Guard to patrol the city streets. Special policemen, chosen from among local citizens, replaced company guards as strikebreakers. Unlike regular police officers, who confined their arrests to disorderly strikebreakers, the special police pursued a neutral course, arresting anyone interfering with the operation of the cars. The use of special policemen averted further clashes between non-strikers and strikers, but as the strike entered the second month several dynamite attacks were made on the cars as they operated on their regular routes. Although the city and company offered rewards for the dynamiters, no arrests were made, and the attacks ceased only with the settlement of the strike in August 1904.¹²

The reluctance of the police and sheriff's departments to maintain order or to interfere with the strikers aroused sharp criticism from the press and the Houston Electric Railway Company. An editorial in the *Chronicle and Herald* warned that if "the constabulary force of the city and county do not stop it [the violence] the people will find officers who will do it." Following the dynamiting of three cars on July 5, the newspaper concluded that "Some members of [the] force [are] evidently lacking in moral courage . . . or are at heart anarchistic sympathizers. Unless they show more energy their badges will doubtless be removed." Similar charges were directed against the sheriff's department. Company manager Payne charged in published statements that Chief Ellis ignored his requests for protection and that the company was left to the mercy of the strikers. In response to Payne's remarks, Ellis replied "that . . . Payne . . . had an exaggerated idea of conditions, that the police force had given all protection needed, and that there had been no interference with streetcar employes worth mentioning," and added "that it was not his business to anticipate trouble but to quell a disturbance when it took place." In closing he suggested that Payne request Sheriff Archie Anderson's assistance if he thought additional protection was necessary. Since the sheriff had left the city to attend a barbecue in a neighboring town, Ellis's suggestion merely exacerbated the situation.¹³

A grand jury investigation into the conduct of the local law enforce-

ment agencies substantiated Payne's accusation. At the request of Judge J.K.P. Gillespie, the jury was instructed to return indictments against any peace officer who had proven derelict in performing his duties. Although no individual indictments were returned, the grand jury issued a scathing denunciation of the police department. "There has been an utter indifference shown on the part of the regular police officers," the jury charged. "The sheriff and deputies, constables, and regular officers of the police department, as far as known to the grand jury, did not make a single arrest of those engaged in rioting, rocking cars, or obstructing tracks by their own initiative." Only the militia and the special police officers appointed by the mayor received praise. The Houston Labor Council's backing of the appointment of special officers was rewarded by the jury's commendation of its support for law and order.¹⁴

The strikes of 1898 and 1904 revealed the sympathy of the police for the action taken by working men. It was an understanding based on the common experience of harsh working conditions and inadequate salaries shared by laborers and city employees. Only a year before the 1904 strike, Houston policemen had petitioned an unreceptive city council for higher salaries.¹⁵ Conditions did not improve for Houston policemen during the fifteen years following the 1904 strike. In 1917 the salary range for patrolmen remained at \$65 to \$80 per month, only \$5 more than the \$75 paid in 1903.¹⁶ No job security or benefits compensated for the inadequate salaries. These conditions were accepted without complaint until 1920. By 1920, however, the years of dissatisfaction, fostered in part by labor unrest elsewhere, erupted into the first serious confrontation between police officers and the administration of Mayor A.E. Amerman. Following the Boston police strike of 1919, the general strike in Seattle during the previous year, and the widespread labor unrest throughout the nation, the Houston confrontation took on more ominous implications than were justified by the realities of the local situation. A strike by the police department was not contemplated or even suggested. Police officers, together with dissident firemen, did no more than appeal to the public for support in a request for higher salaries.

The first indication of a coming confrontation surfaced in 1917. Petitions signed by hundreds of citizens and sponsored by three attorneys representing the police officers were filed with the city council. The petitions requested that police salaries be increased "to such an amount that they can support and maintain their families and educate their children." No action was taken by the administration until November 1919, when a special tax was approved by the voters. Approval of the tax, ostensibly "to provide a proper support for [police] and families" led instead to the confrontation.¹⁷ At the core of the issue was the mayor's use of the \$475,000 collected through the new tax. Although the stated purpose of the funds

was to increase salaries, \$215,000 was diverted for the city's "increased maintenance" and "capital outlay" expenditures. According to police and fire department spokesmen, the administration had reneged on the agreement it had made with the men before the election that personnel in both departments would receive a fifty per cent increase in their salaries. Amerman denied that an agreement was ever made. It was never intended that the whole \$475,000 should be distributed among police and firemen, he insisted. What transpired at the meeting between the mayor and the salary committee representing the police is uncertain. Public wording of the proposition, however, stated only that their income would be increased to such an extent as the "revenue will permit."

According to Amerman, policemen received a twenty-one to twenty-six per cent increase, depending on the years of service—and this was more than other city employees had received. The salary for a uniformed officer under the revised scale ranged from \$97.50 to \$112.50 per month. Detectives were an exception; they received only a sixteen per cent increase.¹⁸

Disappointed and frustrated by the administration's position, police and firemen met in a mass meeting on January 15, 1919, and unanimously adopted a resolution, prepared by the group's attorney, John H. Crooker, calling for the enactment of an ordinance to provide a minimum wage of \$125 a month for all police and fire personnel. The proposed ordinance set no maximum limit on the pay scale and provided that the increase should be financed by the city's general funds. Other city employees were not mentioned in the petition, and an earlier petition sponsored by Houston's high school teachers was withdrawn.¹⁹ If the city administration refused to approve such an ordinance, the men declared themselves in favor of presenting the ordinance to the voters in the form of a referendum.²⁰

The administration rejected the demand, and police and firemen began to collect the 1600 signatures required for a referendum. A bitter feud ensued between the two departments and the city. Amerman, with the support of the *Houston Chronicle* and *Houston Press*, charged that the confrontation was inspired by Crooker, who hoped to advance his own political ambitions by discrediting the administration and creating dissent while "the whole world is sitting on a volcano." Scare tactics, engendered by the hysterical fear of Bolshevism then sweeping the nation, attempted to associate the police and firemen with leftist radicals. In a headline article, the *Chronicle* proclaimed, "Danger...Houston is threatened!" "Under the guise of initiative and referendum," the article continued, "IWWism has been started. The overthrow of orderly government is put under the plea of 'more pay' for two classes of city employees.... If we are to have a Soviet government, why not do it right?" the newspaper asked.²¹

Direct pressure was also applied on police and firemen. Police officers complained to newspaper reporters that Chief of Police Searcy Baker

warned members of the department that their jobs were being jeopardized by their participation in the referendum movement and that civil service rules could be used to dismiss them for any infraction of the regulations. Police officers were accused of being Bolsheviks, while firemen, because of their union affiliations, were considered IWW followers. Rumors were begun by the administration that even if the voters approved the ordinance, the city council, rather than increase salaries, might decide to reduce the police force by nearly one-third. Firemen, on the other hand, were threatened with dismissal if they either discussed the referendum or signed one of the circulating petitions. Fire Department Lieutenant R.A. Rose, one of the ordinance's most vocal supporters, resigned his position and actively worked for the referendum, rather than submit to the threats.²²

Fear of dismissal forced some officers and firemen to disavow any dissatisfaction with their salaries and any support of the referendum, but a sufficient number of supporters in both departments maintained the momentum of the protest.²³ By January 25 the referendum movement appeared to have gained enough public support to cause concern in the administration that the necessary number of signatures would be secured. Responding to the apparent popular support given the movement, Commissioner Matthew Drennan spoke out for the ordinance. On February 7 success seemed assured when petitions with more than 2,000 signatures were filed in the Office of the City Clerk for verification in time for the March 4 election. To the disappointment of supporters of the ordinance, however, checkers in the City Clerk's office disqualified 898 of the names for reasons ranging from duplicate signatures to failure to pay the poll tax. On February 12 the city council officially rejected the petition for lack of the required number of certified signatures.²⁴

The disqualification was a bitter experience. Supporters of the ordinance accused officials in the City Clerk's office of being overly zealous in invalidating the signatures, but no effort was made to contest the results or revive the referendum movement. Despite the failure of the police to achieve their objective, the referendum controversy marked the first attempt by police and firemen in Houston to cooperate in a common effort to improve conditions in their respective departments. No similar effort of cooperation between the two departments was repeated until 1946, when police and firemen returned to the city council with demands for increased salaries.

Prior to 1920 indications were that labor affiliation or an aggressive policy of petitioning and referendum might be the means of improving the occupational status of police service. But continued police activism after 1920 was determined by external forces as well as the department's immaturity. Coinciding with the referendum contest, a series of court decisions clarified the role of the police and their relationships with the community,

the municipal authorities, and organized labor. The concept of police work as it was forged by the courts had nationwide implications for the direction the growth of police professionalism would take.

Sympathy toward strikers and demonstrations of dissatisfaction with the status of their occupation was not peculiar to Houston police officers. The issues of inadequate salaries, job insecurity, salary loss through cutback or injury, and a seventy-two-hour work week were the constant grievances of police officers in most municipal departments. Boston patrolmen, for example, worked from seventy-three to ninety-eight hours a week and received during the first year of service \$21.09 a week, which increased to \$30.68 a week after six years.²⁵

The common bond between laborer and police officer was indicated nationally by the efforts of policemen from 1897 to 1920 to obtain union affiliation. Organized labor, however, did not at first welcome police unionization. In 1897 the American Federation of Labor rejected the petition for membership by a group of Cleveland police officers because police departments, like state militia, were considered outside the province of trade unions. Like the militia, the police were viewed as defenders of management, hostile to the working man. At the Convention of 1919 the Federation reversed its official position, however, after labor officials recognized the widespread dissatisfaction among policemen and their potential value to labor's cause if organized. Within a short time police unions in thirty-seven cities claimed affiliation with the Federation despite the vigorous opposition of the affected municipalities.²⁶ In June 1919 the issue of police unionization gained historic prominence when the Federation granted a petition from the Boston Police Department to organize a union. This action, in violation of Police Commissioner Edwin U. Curtis's prohibition against the formation of a police union, precipitated the Boston Police strike of August 1919. The strike, which necessitated the use of the militia to maintain order, was broken by filling the 1,500 positions vacated by the strikers with nearly 1,000 World War I veterans.²⁷

The Boston police strike had important ramifications for the professional development of police service in Houston and throughout the country. Coinciding with the rising fear of Bolshevism and radicalism, the strike engendered in the public a fear that unionization of the police posed a threat to national stability. Pronouncements by public officials supporting such a view intensified the anxiety and served to discredit proponents of police unions. More significantly, events in Boston set a precedent for viewing police service as unique and outside the area of unionization and collective bargaining enjoyed by other public employees and workers in private industry.²⁸ When police officers were prevented from organizing to promote their own welfare, they lost their only effective means to achieve redress of their grievances, and the municipalities gained complete control

over the direction of police work and the status of policemen.

The uniqueness attributed to police service as an occupation and its subsequent exclusion from organized labor was given judicial sanction as early as 1903 in the *Raycroft v. Harrison* decision of the Appellate Court of Illinois. The case involved the validity of an order issued by the Superintendent of the Chicago Police Department that no police officer could claim membership in any group except the Policemen's Benevolent Association. Although the court declined to pass judgment upon the question, it did note the distinctive character of policemen, declaring that "The police force . . . is a quasi-military organization. No one is compelled to belong to it, but whosoever voluntarily engages in such service necessarily limits the right of action which, as a mere private citizen, and in no sense a public official, he would have."²⁹

The most frequently quoted description of the status of police officers as distinct from that of other public employees was detailed by Judge Murray F. Tuley of the Circuit Court of Cook County in 1904, in the *O'Regan v. City of Chicago* decision:

A police force is peculiar, *sui generis* . . . in its relation to the city government. It is practically an organized force resembling in many respects a military force, organized under the laws of the United States and equally as important as to the functions it is required to perform.

It is not an ordinary branch of the executive government like the mayor's office, even, your water department, the comptroller's department, the health department even; but, as I say it is peculiar to itself, and to look at it in the same light that other branches of the executive department are regarded would be a mistake in a judicial decision. It is a department which requires that the members of it shall surrender their individual opinion and power to act, and submit to that of the controlling head just as much as the common soldier must surrender his own opinion and power of action to that of his commanding officer. . . . Such discipline must be enforced. . . .³⁰

The unique status of police service as defined in the *Harrison* and *O'Regan* decisions was later applied to cases involving police affiliations with unions or any organization deemed potentially threatening to municipal authorities. In one landmark case, the Lansing, Michigan, City Police and Fire Commission sought to control the membership of the department's chapter of the Fraternal Order of Policemen by using the threat of dismissal. Members of the Order appealed to the courts. The Michigan Supreme Court, quoting from a 1935 Virginia decision involving the right of firemen to become charter members of the International Association of Firefighters, reaffirmed the earlier cases by deciding that:

Police and fire departments are in a class apart. Both are at times charged with the preservation of public order, and for manifold reasons they owe to the public

their undivided allegiance. The power in the city of complete control is imperatively necessary if discipline is to be maintained.³¹

Differentiation between the police service and other public employees with regard to the right to organize attained its legal conclusion in the *McLeod* case.³² The case arose from the action taken in June 1944 by Jackson, Mississippi, city officials against members of the police department. When notified by the Chief of Police that members of the police department had decided to organize into a union affiliated with the American Federation of Labor, Mayor Walter A. Scott, supported by the city commission, issued an order that all the involved police officers should abandon their plans within forty-eight hours or face dismissal. Thirty-four of the men refused to obey the order. They were immediately dismissed and other men were hired to fill their places. The dismissals were sanctioned by the municipal Civil Service Commission on the grounds that the officers were insubordinate and engaging in activities tending to jeopardize the public service. The police officers then appealed to the Circuit Court, which upheld the action of the Civil Service Commission.

In January 1946 the case reached the Mississippi State Supreme Court. The Court drew a sharp distinction between labor unions in private employment and those in city service, noting that union affiliation fostered divided loyalty on the police force and was cause enough to warrant the dismissals.

It will thus be seen that police officers whose duty to the public requires them to keep the peace, acting always in so doing in the interest of the public, who [sic] are members of the labor union owe an allegiance thereto which requires them at all times to support and promote the union's objectives and the labor movement in general. . . . The public interest requires the undivided loyalty of police officers to the public service and we were told long ago by One whose judgment was infallible that 'no man can serve two masters. . . .'³³

The *McLeod* decision established in legal terms the concept expressed by President Woodrow Wilson in 1919 that the policeman has "the obligation of a soldier. He is a public servant, not a private employee, and the whole honor of the community is in his hands. He has no right to prefer any private advantage to the public safety."³⁴

In Texas, firemen rather than policemen first aroused the ire of municipal authorities. More than thirty nationwide lockouts, mass resignations, and strikes during 1918 and 1919 by chapters of the International Association of Fire Fighters demonstrated to Texas officials the dangers inherent in the organization of public service employees.³⁵ Municipal officials were quick to act against the unionization efforts of firemen. Although a right-to-organize statute had existed in Texas since 1899, the law was circumvented

by the courts. Texas jurists found that the law prohibited legislation that made union membership illegal, but did not regulate the attitude of the employer toward the unionization of his employees. A fine distinction was made between a law prohibiting labor unions and the "legitimate" demand by an employer that his employees not join a labor organization. Consequently, in January 1918 the mayor and city commissioners of Dallas dismissed a number of firemen for insubordination when they refused to terminate their association with a local union affiliated with the A.F.L.

In June 1920 the Court of Civil Appeals in *McNatt v. Lawther* supported the dismissals on the grounds that Dallas authorities had not violated the 1899 statute, since they had enacted no ordinance forbidding the creation of a union, but rather had only required that city employees not become members. The court held such requirements to be within the prerogative of the city.³⁶ A similar decision was delivered in a case involving San Antonio firefighters. The effect of the Dallas and San Antonio decisions rendered the right-to-organize statute ineffectual and stifled the growth of public employee unions wherever municipal authorities opposed them. Dallas and San Antonio firemen, for example, were forbidden to organize until 1956, when the 1920 decision was finally overturned. The *McNatt* decision was not challenged before 1957 despite the passage in 1947 of a legislative act safeguarding the right of public employees to belong to labor organizations, if not the right to bargain collectively.³⁷

Although Houston firemen formed a union in 1902 and organized a local chapter of the International Association of Fire Fighters in August 1919, the city's police failed to organize despite their unsatisfactory situation.³⁸ They accepted, with the conservative philosophy characteristic of police officers, the unique nature of police service as expounded in the decisions of the courts. Although sympathy for the worker and at times collaboration with strikers occurred, the taint of radicalism associated with unions and strikes contradicted the function of the police as conservators of stability. As viewed by police officers, law enforcement was indeed a unique calling demanding loyalty and faithfulness to duty. The role of policemen was a self-sacrificing one in which they were "compelled by the nature of their duties to forego certain personal privileges enjoyed by workers in private industry. One of these is union membership."³⁹ At times the sensitivity of police officers to charges of police unionism has been used to their disadvantage. During 1945 and 1946 opponents of the Houston Police Officers Association, in an effort to deter officers from joining the Association, accused members of the fledgling group of attempting to unionize the department. Membership in the Association was equated with radicalism, even though the use of strikes had never been advocated as a means of exerting ideological pressure.⁴⁰

Firemen, because of the different nature of their service, are not simi-

larly restricted by role self-conceptions in their ambition to unionize. The service they perform is a tangible one—to save lives and property—and involves an inanimate enemy. Policemen, however, perceive themselves as providing intangible as well as tangible service, as the last line of defense against those elements of society that threaten the institutions and life of the community. Burdened by a self-imposed sense of mission and obligated by community expectation, policemen have been reluctant to align themselves with organized labor or to support labor legislation that would in their view compromise their image.

Because of these differences in the conceptualization of their roles, police and firemen have at times clashed over methods of advancing their interests cooperatively. As a recent example, Houston police officers opposed efforts by the State Association of Fire Fighters to enact the "Fire and Police Employee Relations Act" in the 63rd Legislature.⁴¹ The act, which provided for the right of collective bargaining for police and firemen, once approved in a local option election, was opposed by police lobbyists on the ground that it would hinder rather than assist policemen in dealing with municipal authorities. Collective bargaining, they feared, would entangle the police department in labor disputes and thereby alienate those officials who have in the past supported police pay raises and other legislation beneficial to the department.⁴²

Conservative police officers have been placed in a tenuous position by their need to maintain a delicate balance between conservative and liberal legislators. On one hand, police lobbyists, like the labor-oriented fire fighters, have courted the support of liberals for legislation providing for job benefits and reform.⁴³ In 1947, for example, the police courted the liberals for support of a state civil service bill that provided the keystone of police reform. Likewise police lobbyists have sought the support of liberal legislators for laws establishing survivors' insurance for law enforcement officers killed in the line of duty, educational fee exemptions for children of disabled policemen and firemen, and the Law Enforcement Officer Standards and Education Commission, and for similar legislation.⁴⁴

On the other hand, the police have sought the support of conservatives for the enactment of stringent law enforcement legislation providing for the death penalty, the admission in court of oral confessions, and stronger conspiracy laws.⁴⁵

The bond between police officer and laborer, initially weakened by a conservative view of society, was further weakened by the movement toward professionalism. The gradual transition in the status of municipal police officers from that of an unskilled laborer in the early twentieth century to that of a quasi-professional in the post-World War II period vested them with a newly discovered elitism. Police literature in the late 1940s began to emphasize professional growth, thereby reflecting a shift in status.

A concomitant upward trend in salaries placed the police service in competition with private industry, and the enactment of effective civil service laws provided job security and stability. More careful screening of applicants, a demanding training program, and an increased emphasis on education have attracted men to the police ranks who are less sympathetic to labor unions than were policemen of earlier decades.⁴⁶

Eschewing organized labor, the police turned to alternative public employee associations to represent their interests. The form of the organizations and the dates of their formation depended upon local conditions. In New York City the Patrolmen's Benevolent Association was organized in 1894 to meet the need for a burial insurance and survivors' fund. Once organized, however, the Association became a political pressure group campaigning for increased salaries and improved working conditions. Similarly, Los Angeles police officers organized a Police Relief Association in 1919 in response to an immediate need for financial assistance to officers and their survivors. In 1923, the Los Angeles Fire and Protective League was initially formed to establish a combined pension system for both departments, but it became a pressure group seeking salary increases and security from political patronage.⁴⁷ Police organizations in most departments arose in response to specific (generally economic) needs, and then directed their attention to other job-related issues. Although unable to participate in direct employee-management negotiations, the organizations through their appeals to the public and informal lobbying activities assumed a quasi-labor-union status.

In Houston, police organization arose more from resentment of political patronage than from unresolved labor-related issues such as salaries and pensions. Police service was dominated by politics, making employment in the department dependent upon affiliation with the political faction in office. Strikebreakers were analogous to the political favorites who frequently replaced police officers whenever there was a change in city administrations. Policemen knew that they were at the mercy of political bosses in much the same way that laborers were vulnerable to the manipulation of management.⁴⁸ Sympathy for the striker, as exhibited during the streetcar strikes of 1898 and 1904, and later, in a more subdued manner, during the longshoremen's strike of 1935, related in part to the insecurity of their own occupational status.⁴⁹

The Association, by partially fulfilling the role of a labor union, gave the police an alternative to affiliation with organized labor. Enactment of a state civil service law in 1947 shielded the police from city management, which municipal civil service had failed to do. With police officers protected from the capricious actions of city officials and the Association providing the means of expression and the possibility of professional status, the sense of common experience once shared by public servant and private employee

was eliminated.⁵⁰

Formation of a police association in Houston was delayed until more than two decades after the referendum controversy of 1920. The confrontation had been premature. Self-confidence, the development of a mentality professionally oriented toward police work and, more importantly, the leadership required for organization were long lacking. Moreover, unlike the city's fire fighters, who through their many years of experience with labor organizations were able to rally support for their cause, the police could expect no support except the sympathy of the public. Even this was generally negated by ineffective and frequently irresponsible police behavior, which was encouraged by a municipal civil service system rendered useless by irresponsible city management.

NOTES

1. Herbert G. Gutman, "The Worker's Search for Power: Labor in the Gilded Age," in H. Wayne Morgan, ed., *The Gilded Age: A Reappraisal* (Syracuse, 1963), pp. 50 and 51. See also Seymour Martin Lipset, "The Politics of the Police," in Anthony H. Richmond, ed., *Readings in Race and Ethnic Relations* (Oxford, New York and others, 1972), pp. 281-282.

2. *Houston Post*, May 30, June 9, and August 25, 1900; John Flinn and John E. Wilkie, *History of the Chicago Police, From the Settlement of the Community to the Present Time* (Chicago, 1887; Reprint edition, New York, 1971), p. 241; *Houston Post*, June 8, 1904; *Houston Post*, October 6 and 9, 1911; New Orleans *Daily Picayune*, October 6, 7, 8, and 9, 1911.

3. *Houston Press*, July 16, 17, 21, and 23, 1920.

Further local research is required to ascertain how active and widespread was police support for striking laborers during the period 1870-1920. The evidence, although inconclusive, indicates that such support was indeed common. The image of policemen as staunch supporters of "capital" has been too readily accepted as a universal truth. An examination of labor strife during these years generally reveals that private guards, Pinkerton and other detective agents, merchant policemen or militiamen, rather than regular police officers, usually provided the means of coercion used against strikers.

4. *Houston Post*, March 20 and 22, 1898.

5. *Ibid.*, March 30 and 31, 1898.

6. *Ibid.*, March 28, 1898.

7. *Ibid.*, March 23, 1898.

8. *Ibid.*, March 28 and 29, 1898.

9. *Ibid.*, March 31, 1898.

10. *Houston Chronicle and Herald*, June 1 and 3, 1904.

11. *Ibid.*, June 1, 2, 3, 4, and 8, 1904.

12. *Ibid.*, June 6, 8, and 9, 1904; *Houston Daily Post*, June 7 and 8, 1904.

13. *Houston Chronicle and Herald*, June 3, 4, 5 and 6, and July 7, 1904.

14. *Ibid.*, July 2, 1904; *Houston Daily Post*, June 8 and July 3, 1904.

15. Miscellaneous Papers II, 1903-1904, Packet dated October 12, 1903, "Report of Finance Committee, September 25, 1903," attached to Petition from Houston Police Officers to the Mayor and City Council, August 31, 1903, HCAC.

16. *Ibid.*; *Houston Press*, October 23, 1917.

17. Miscellaneous Papers, July 2, 1917-May 11, 1918, Packet dated October 22, 1917-November 22, 1917, Petition, dated October 22, 1917, HCAC; *Houston Post*, January 27, 1920.

18. *Houston Press*, January 17, 1920; *Houston Chronicle*, January 15 and 17, 1920.

19. The salary of school teachers suffered in comparison with police officers. The wage range for male primary teachers began at \$45 and increased to a maximum of \$70 per month. High school teachers received a minimum of \$80 and a maximum of \$111 per month. The maximum range for female teachers was \$11 a month less; *Houston Chronicle and Herald*, June 13, 1904.

20. *Houston Chronicle*, January 16 and 19, 1920; *Houston Press*, January 19, 1920; *Houston Post*, January 19, 1920.

21. *Houston Chronicle*, January 20 and 22, 1920; *Houston Press*, January 22 and 27, 1920.

For an analysis and poignant description of the national hysteria which swept the nation during 1919-1920, see Robert K. Murray, *Red Scare: A Study of National Hysteria, 1919-1920* (New York, Toronto, and London, 1955).

22. *Houston Post*, January 21 and 22, 1920; *Houston Press*, January 23, 1920.

23. *Houston Chronicle*, January 18, 1920; *Houston Post*, January 20 and February 2, 1920.

24. *Houston Post*, January 24 and 25, 1920; *Houston Chronicle*, February 7 and 12, 1920; *Houston Post*, February 13, 1920; City Council Minutes, vol. T, February 12, 1920, p. 271, HCAC.

25. Gregory Mason, "No Bolshevism for Boston," *Outlook* 123 (Sept. 24, 1919): 124.

26. Arthur Warner, "The End of Boston's Police Strike," *Nation* 109 (December 20, 1919): 790; "The Policeman's Right to Strike," *Literary Digest* 62 (September 27, 1919): 7; "The Boston Police Strike," *Survey* 42 (September 20, 1919): 882; Carl E. Heustis, "Police Unions," *J.C.L.* 48 (March-April, 1958): 643.

27. *Houston Chronicle*, March 19, 1920; "The Boston Police Strike," p. 882.

Failure to unionize the Boston police did not deter efforts by police departments in other municipalities to secure union charters, but unlike the municipal firefighters', their successes were negligible. In June 1944 the International Association of Chiefs of Police reported that only forty-five departments in cities with populations of more than 10,000 claimed union affiliation, and these dwindled to eleven by 1957.

In contrast to the lack of success among the police was the rapid unionization of firefighters. The International Association of Fire Fighters reported in the *Municipal Yearbook*, 1944 that 435 fire departments out of 599 reporting cities with populations of over 10,000 claimed union affiliation. In Houston, firemen were organized into a union as early as 1902 and received the support of the Houston Labor Council and its affiliated members. International Association of Chiefs of Police, *Police Unions and Other Police Organizations*, vol. IV (September, 1944), (Arno Reprint Editions: New York, 1971), p. 3; Miscellaneous Papers, 1900-1902, Envelope dated December 15, 1902, Petition from Houston Labor Council to Houston City Council, December 15, 1902, HCAC; Miscellaneous Papers, 1902-1903, Envelope dated January 5, 1903, Petition from Houston Firemen's Union No. 9629 to Houston City Council, December 1, 1902, HCAC.

28. The repercussions of police strikes in Baltimore, San Francisco, Albuquerque, and other cities across the country during 1974 and 1975 have yet to be evaluated, but they will likely rekindle fears of police unions as the Boston strike did earlier.

29. *Raycraft v. Harrison*, 108 Ill. App. 303 (1903).

30. Opinion given in *O'Regan v. City of Chicago* on November 29, 1904, reported in *Chicago Legal News*, vol. 37, p. 150, December 24, 1904, as quoted in *Coane v. Geary et al.* 18 N. E., pp. 722-723 (1939).

31. Opinion in *Carter et al. v. Thompson et al.*, 180 S. E., p. 410 (1935) as quoted in *Fraternal Order of Police et al. v. Harris et al.*, 10 N. W. 2d, p. 312 (1943).

32. *City of Jackson v. McLeod*, 24 So. 2d, pp. 319-329 (1946); see also "Police Restricted as to Union Membership," *National Municipal Review* 35 (May, 1964): 250-251.

33. *City of Jackson v. McLeod*, p. 324.

34. Quoted from a speech by Wilson on September 11, 1919, in Helena, Montana, in "When the Police Strike," *Literary Digest* 62 (September 20, 1919): 3.

35. The International Association of Fire Fighters was originally formed in the 1880s as a benefit and fraternal organization in response to the reluctance of insurance companies to extend coverage to firemen, who were considered poor insurance risks. Only 82 local chapters existed in 1919, but membership steadily grew in the following years. In 1970 the Association claimed 1,550 local unions, representing approximately 90% of the firemen in the nation. A no-strike clause was included in the Association's constitution in 1930, but the clause was rescinded in 1968 as the organization returned to its earlier policy of militance. Sterling D. Spero and John M. Capozzola, *The Urban Community and Its Unionized Bureaucracies: Pressure Politics in Local Government Labor Relations* (New York, 1973), pp. 27-28.

36. James Somerville McEachin, ed., *McEachin's Annotated Civil Statutes of the State of Texas* (Chicago, 1913), vol. II, Art. 5244, p. 1860; *McNatt et al. v. Lawther, Mayor, et al.*, 223 S. W., pp. 503-506 (1920).

37. *San Antonio Fire Fighters' Local Union No. 84 v. Bell et al.*, 223 S. W., pp. 506-510 (1920); *Beverly et al. v. City of Dallas*, 292 S. W. 2d, p. 172 (1956); *Vernon's Civil Statutes of the State of Texas, Annotated* (St. Paul, 1971), vol. 15, Art. 5154c, pp. 503-504; *General and Special Laws of the State of Texas* ... (Austin, 1948), pp. 231-232.

In May 1973 the Legislature approved a bill providing "that firefighters and policemen, like employees in the private sector, should have the right to organize for purposes of collective bargaining, for collective bargaining is deemed to be a fair and practical method for determining wages and conditions of employment." A local option provision was attached. See *Vernon's Session Law Service: Laws 1973, 63rd Legislature* ... (St. Paul, 1973), H. B. No. 185, pp. 151-160; *Dallas Morning News*, February 6 and 7, 1957, and August 4, 1957.

The issues of unionization and collective bargaining by public employees are thoroughly discussed in Morton Robert Godine, *The Labor Problem in the Public Service: A Study in Political Pluralism* (Cambridge, 1951), and Harry H. Wellington and Ralph K. Winter, Jr., *The Unions and the Cities* (Washington, D.C., 1971).

38. Prior to 1919 Houston firemen were represented through firemen's local No. 9629. According to the records of the International Association of Fire Fighters, twenty-four Houston firemen filed an application for membership to the IAF on August 7, 1919. On August 11, 1919, their application was approved. Local No. 213 functioned until April 1931, when for unknown reasons it disbanded. On November 30, 1932, the IAF issued a new charter to Local No. 341, which is still active today. Letter from Frank A. Palumbo, Secretary-Treasurer of the International Association of Fire Fighters, Washington, D.C., to author, dated April 3, 1975. Information given in the letter is based on the files available in the central office of the IAF.

39. "Unionization Move Criticized by Police Chiefs Association," *Houston Post*, January 24, 1959.

40. Raymond Goodnight, Lieutenant, Houston Police Department, and one of the first members of the Houston Police Officers Association, personal interview with author on December 7, 1972, at Houston Police Department Headquarters; Earl Maughmer, Captain, Houston Police Department, taped interview on October 4, 1974, at Houston Police Department Headquarters, HMRC.

41. *Vernon's Texas Session Law Service, 1973* (St. Paul, 1973), pp. 151-160.

42. Opposition continued at the local level when police officers refused to support efforts by Houston firemen to win approval for collective bargaining in a local option election.

43. Julius A. Knigge, Sergeant, Houston Police Department and Secretary for Houston Police Officers Association, personal interview with author on March 4, 1973, at Houston Police Department Headquarters.

44. *Vernon's Civil Statutes of the State of Texas, Annotated* (St. Paul, 1970), vol. V, 17, Art. 6228F, pp. 110-114; *General and Special Laws of the State of Texas . . .* (Austin, 1965), pp. 615-617; *Vernon's Civil Statutes of the State of Texas, Annotated* (Kansas City, 1966), Art. 4413 (29aa), pp. 140-142.

45. As an example of the organized effort by police officers to promote more stringent criminal laws, see the pamphlet sponsored by the Texas Law Enforcement Legislative Council, "Legislation . . . a Deterrent to Crime" (n. p., 1973).

46. The desire of the police to preserve their own identity, distinct from that of the mass of wage earners, is not unique to the police service but is common among occupations striving for professional status because of specialization or recognized expertise in performing specific functions. Social work, nursing, and funeral directing are some of the occupations exhibiting these traits.

47. Emma Schweppe, *The Firemen's and Patrolmen's Unions in the City of New York: A Case Study in Public Employee Unions* (New York, 1948), pp. 49-50; *Constitution and By-Laws: Los Angeles Fire and Police Protective League* (n. p., 1968), pp. 1-3; Letter from Captain D.P. Sheeny, Public Affairs Division, Los Angeles Police Department, to author, dated January 2, 1974.

48. George Seber, Former Assistant Chief of Police, Houston Police Department, taped interview at Liverpool, Texas, on September 24, 1974, HMRC; Earl Maughmer, interview with author at Houston Police Department Headquarters on August 12, 1973.

49. The prolonged longshoremen's strike of 1935, while not exhibiting the emotional intensity of earlier strikes, did reveal a similar animosity between strikers and special police officers. When the strike became imminent, Mayor Oscar Holcombe commissioned fifty special policemen for strike duty. These officers were supplemented by the Port Commission's hastily formed security force headed by former Texas Ranger Frank Hamer. Establishment of the security force brought immediate protests from the Houston Labor and Trade Council, which opposed the use of Texas Rangers and highway patrolmen. In a protest note to Governor James V. Allred, the Council asserted that "Local authorities have the situation well in hand" and did not require the services of state officers. Hamer, the Council charged, was in control of a "large body of gunmen for the purpose of intimidating the members of the International Longshoremen's Association." The call for the use of municipal police officers was repeated when wives of striking longshoremen, contemplating a protest march to the waterfront, demanded "regular city police" for protection rather than the special officers whom the women labeled as "scab herders." *Houston Post*, October 6, 11, 12, 17, and 19, 1935; *Houston Press*, October 11 and 24, 1935.

50. There is an expanding interest in the role of unionism and its influence on the direction of police professionalism. The most recent study to deal specifically with this issue is Gene E. Carte and Elaine H. Carte, *Police Reform in the United States: The Era of August Vollmer, 1905-1932* (Berkeley, 1975). Since the Carte book appeared after the completion of my own study, I was unable to evaluate the implications of their findings on my own research.